

² The Board notes that, following the January 30, 2020 decision, OWCP received additional evidence. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

May 12, 2017. OWCP assigned the claim OWCP File No. xxxxxx472. In an attached narrative statement, appellant noted that he had a prior claim for an employment-related left shoulder injury from 2012 under OWCP File No. xxxxxx809, which was accepted by OWCP for sprain of the left shoulder, partial rotator cuff tear, and left bicipital tenosynovitis.³

On December 12, 2018 OWCP accepted appellant's claim under OWCP File No. xxxxxx472 for full thickness tear of the left supraspinatus tendon.

On May 2, 2019 appellant filed claims for compensation (Form CA-7) for intermittent periods of disability from August 19 through December 16, 2017.

By decision dated August 20, 2019, OWCP denied appellant's disability claims for the periods September 12 through December 16, 2017.⁴

On August 26, 2019 appellant, through counsel, requested an oral hearing from an OWCP hearing representative. A hearing was held on December 10, 2019. Appellant testified at the oral hearing and asserted that his claim for compensation was due to missed work for physical therapy, to limit his hours, or to limit his work-related stressors.

By decision dated January 30, 2020, OWCP's hearing representative affirmed OWCP's August 20, 2019 denial of appellant's claimed periods of disability. The hearing representative acknowledged appellant's companion claim under OWCP File No. xxxxxx809

The Board, having duly considered the matter, finds that this case is not in posture for decision. OWCP's procedures provide that cases should be administratively combined when correct adjudication depends on frequent cross-referencing between files and when two or more injuries occur to the same part of the body.⁵ As the instant claim under OWCP File No. xxxxxx472 and the previously accepted claim under OWCP File No. xxxxxx809 both involve injuries to appellant's left shoulder, these claims must be administratively combined for a full and fair adjudication of his present claim. This will allow OWCP to consider all relevant claim files and accompanying evidence in developing his current claim for disability.

Accordingly, the Board will remand the case to OWCP to administratively combine OWCP File Nos. xxxxxx809 and xxxxxx472. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

³ OWCP, in its October 19, 2017 decision denying appellant's claim, noted that under OWCP File No. xxxxxx809 he had filed a notice of recurrence (Form CA-2a) on June 15, 2017. It informed him that as he had filed an occupational disease claim in OWCP File No. xxxxxx472 on July 14, 2017 no further action would be taken in OWCP File No. xxxxxx809.

⁴ It authorized payment of compensation for 48.33 hours of wage loss from August 19 through September 15, 2017.

⁵ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).

IT IS HEREBY ORDERED THAT the January 30, 2020 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: April 20, 2022
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board